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Chapter No. 96

10/HR40/A651SG

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## ***HOUSE BILL NO. 1644***

Originated in House Don Richardson Clerk

HOUSE BILL NO. 1644

AN ACT MAKING AN APPROPRIATION TO THE DEPARTMENT OF HUMAN SERVICES; AND FOR RELATED PURPOSES, FOR THE FISCAL YEAR 2011.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** The following sum, or so much thereof as may be necessary, is hereby appropriated out of any money in the State General Fund not otherwise appropriated, to the Department of Human Services for the fiscal year beginning July 1, 2010, and ending June 30, 2011 ..... \$ 119,569,982.00.

**SECTION 2.** The following sum, or so much thereof as may be necessary, is hereby appropriated out of any money in any special fund in the State Treasury to the credit of the Department of Human Services which is comprised of special source funds collected by or otherwise available to the department for the support of the various divisions of the department, for the purpose of defraying the expenses of the department for the fiscal year beginning July 1, 2010, and ending June 30, 2011 .....  
..... \$ 730,854,020.00.

**SECTION 3.** None of the funds appropriated by this act shall be expended for any purpose that is not actually required or necessary for performing any of the powers or duties of the Department of Human Services that are authorized by the Mississippi Constitution of 1890, state or federal law, or rules or regulations that implement state or federal law.

**SECTION 4.** Of the funds appropriated under the provisions of Sections 1 and 2, not more than the following amount shall be expended for Salaries, Wages and Fringe Benefits .....  
..... \$ 155,234,113.00

FUNDING:

General Funds .....	\$	119,569,982.00
Special Funds .....		<u>730,854,020.00</u>
Total .....	\$	850,424,002.00

AUTHORIZED POSITIONS:

Permanent:	Full Time .....	2,756
	Part Time .....	3
Time-Limited:	Full Time .....	722
	Part Time .....	0

Any person within the Office of Youth Services classified as Youth Services Counselor Aide I, Youth Services Counselor Aide II, Youth Services Counselor Aide III, Security Officer I, Security Officer II, Security Officer III, Recreation Supervisor, General Services Employee I, General Services Employee II, Youth Services Counselor I, Youth Services Counselor II, and Youth Services Counselor III, who must work on a statutory holiday or any holiday proclaimed by the Governor, may at the discretion of the superintendents of the institutions and the Executive Director of the Office of Youth Services and within available personnel funds, be paid "call back pay" in lieu of "compensatory time credit."

It is the intention of the Legislature that the Office of Youth Services shall have the authority to accept from any source including, but not limited to, proceeds from sale of vehicles, equipment or any other property which becomes obsolete or is no longer needed. It is the intent that such funds will be approved for allocation and expenditure in a manner consistent with the rules and regulations of the Department of Finance and Administration.

With the funds herein appropriated, it is the intention of the Legislature that it shall be the agency's responsibility to make certain that funds required to be appropriated for "Personal Services" for Fiscal Year 2012 do not exceed Fiscal Year 2011 funds appropriated for that purpose, unless programs or positions



are added to the agency's Fiscal Year 2011 budget by the Mississippi Legislature. Based on data provided by the Legislative Budget Office, the State Personnel Board shall determine and publish the projected annual cost to fully fund all appropriated positions in compliance with the provisions of this act. It shall be the responsibility of the agency head to ensure that no single personnel action increases this projected annual cost and/or the Fiscal Year 2011 appropriations for "Personal Services" when annualized, with the exception of escalated funds. If, at the time the agency takes any action to change "Personal Services," the State Personnel Board determines that the agency has taken an action which would cause the agency to exceed this projected annual cost or the Fiscal Year 2011 "Personal Services" appropriated level, when annualized, then only those actions which reduce the projected annual cost and/or the appropriation requirement will be processed by the State Personnel Board until such time as the requirements of this provision are met.

Unless otherwise authorized in this act, no state agency shall take any action to promote or otherwise award salary increases through reallocation, reclassification, realignment, educational benchmark, career ladder, equity salary adjustment, or any other means to increase salaries of employees or positions unless specifically exempted by the following conditions: the award of teacher salary increments; the advancement of a trainee/cadet to the next level of a bona fide career ladder; the award of an educational benchmark for the attainment of a Certified Public Accountant License or higher level professional certification based on information provided to the State Personnel Board by the Legislative Budget Office; the immediate replacement of a departing employee with an employee from within state service at a salary level of the departing employee or the Fiscal Year 2011 promotional formula, whichever is less; the emergency appointment of nurses, pharmacists or other health care and child

protection professionals at a salary to be determined by the State Personnel Board; or a new hire associated with the American Recovery and Reinvestment Act of 2009. All positions supported by funds available through the American Recovery and Reinvestment Act of 2009 shall be designated as time-limited positions.

Any transfers or escalations shall be made in accordance with the terms, conditions and procedures established by law or allowable under the terms set forth within this act. The State Personnel Board shall not escalate positions without written approval from the Department of Finance and Administration. The Department of Finance and Administration shall not provide written approval to escalate any funds for salaries and/or positions without proof of availability of new or additional funds above the appropriated level.

No general funds authorized to be expended herein shall be used to replace federal funds and/or other special funds which are being used for salaries authorized under the provisions of this act and which are withdrawn and no longer available.

Notwithstanding the above language in this section, the Department of Human Services may restructure and reorganize the Division of Family and Children's Services in order to satisfy the requirements outlined in the settlement agreement, judicial mandates or court orders of the Olivia Y lawsuit.

**SECTION 5.** It is the intention of the Legislature that the Department of Human Services shall maintain complete accounting and personnel records related to the expenditure of all funds appropriated under this act and that such records shall be in the same format and level of detail as maintained for Fiscal Year 2010. It is further the intention of the Legislature that the agency's budget request for Fiscal Year 2012 shall be submitted to the Joint Legislative Budget Committee in a format and level of detail comparable to the format and level of detail provided during the Fiscal Year 2011 budget request process.



**SECTION 6.** None of the funds appropriated under the provisions of Sections 1 and 2 shall be used to pay any contractor that is not a successful bidder for genetic paternity testing services bid by the Department of Human Services.

**SECTION 7.** Of the funds appropriated in Section 2, One Million Dollars (\$1,000,000.00) shall be transferred to the Department of Health, Child Care Licensure Program from the Child Care Development Fund or other appropriate special fund. These funds are to be transferred to the Board of Health no later than July 31, 2010. The Department of Health shall make a complete accounting to the Department of Human Services detailing the uses of these funds in accordance with federal and state regulations.

**SECTION 8.** It is the intention of the Legislature that the Department of Human Services contract with the Department of Health to operate the School Nurse Teen Pregnancy Prevention Pilot Program as described in Section 41-79-5(5), Mississippi Code of 1972, in compliance with all applicable TANF federal and state regulations.

**SECTION 9.** None of the above funds shall be used to hire employees under Personal Service Contracts except for Personal Service Contracts for the Office for Children and Youth - Child Care and Office for Children and Youth - Child Care Managers.

**SECTION 10.** The Department shall shift expenditures from the Temporary Assistance for Needy Families (TANF) portion of the Child Care Development Block Grant Funds (CCDF) to the CCDF matching grant portion for the continued funding of the Families First Resource Centers through the current federal fiscal year (September 30, 2010).

The department shall utilize TANF funds from the federal Fiscal Year 2011 allotment for the continued funding of the Families First Resource Centers through June 30, 2011.

**SECTION 11.** The department is authorized to escalate, budget and expend special and/or federal funds received from any source

to carry out the duties of the department in an amount not to exceed Twenty Million Dollars (\$20,000,000.00). Such funds are to be escalated in accordance with procedures for federal fund escalations as established in Section 27-104-21, Mississippi Code of 1972, and expended for the purposes of performing such duties as set forth by law in accordance with applicable rules and regulations of the State Fiscal Officer.

**SECTION 12.** It is the intention of the Legislature that whenever two (2) or more bids are received by this agency for the purchase of commodities or equipment, and whenever all things stated in such received bids are equal with respect to price, quality and service, the Mississippi Industries for the Blind shall be given preference. A similar preference shall be given to the Mississippi Industries for the Blind whenever purchases are made without competitive bids.

**SECTION 13.** The Department of Human Services is authorized to expend available funds on technology or equipment upgrades or replacements when it will generate savings through efficiency or when the savings generated from such upgrades or replacements exceed expenditures thereof.

**SECTION 14.** It is the intention of the Legislature that none of the funds provided herein shall be used to pay certain utilities for state furnished housing for any employees. Such utilities shall include electricity, natural gas, butane, propane, cable and phone services. Where actual cost cannot be determined, the agency shall be required to provide meters to be in compliance with legislative intent. Such state furnished housing shall include single-family and multi-family residences but shall not include any dormitory residences. Allowances for such utilities shall be prohibited.

**SECTION 15.** In compliance with the "Mississippi Performance Budget and Strategic Planning Act of 1994," it is the intent of the Legislature that the funds provided herein shall be utilized

in the most efficient and effective manner possible to achieve the intended mission of this agency. Based on the funding authorized, this agency shall make every effort to attain the targeted performance measures provided below:

	FY2011
<u>Performance Measures</u>	<u>Target</u>
Youth Services	
Community Services (Children Served)	12,000
Institutional Component (Children Served)	652
Number of Volunteers - Community Services	114
Children Placed in Alternative Placement	200
Children Diverted from Institutional Care (%)	55
Child Support Enforcement	
Number of Paternities Established	37,389
Number of Obligations Established	21,432
Total Collections (\$)	286,696,080.00
Absent Parents Located (Individuals)	51,352
Family & Children's Services	
Children in Agency Custody	3,560
Abuse & Neglect Investigations	22,008
Family Preservation - Child (Families)	332
Number of Licensed Foster Homes	2,051
Number of Finalized Adoptions	319
Support Services	
Investigative Audits (Actions)	60
Special Investigations	51
Fraud Investigations (Actions)	796
Administrative Hearings	2,500
Subgrant Monitoring Visits	400
Community Services	
Elderly Served by CSGB & LIHEAP	75,042
Number of Handicapped Served	42,749
Number of Household Achieving Self-Sufficient	1,243



Households Stabilized	18,727
Number of Households Weatherized	687
Children & Youth	
Children & Youth Served (CCDGB)	46,342
Social Services Block Grant	
Clients Served, Family & Child Services Div	46,342
Clients Served, Youth Services Div	10,104
Clients Served, Mental Health Dept	2,470
Clients Served, Aging & Adult Services Div	11,837
Aging & Adult Services	
In-home Services (Persons)	17,391
Community Based Services (Persons)	15,118
Congregate Meals (Number of Meals)	460,948
Home-delivered Meals (Meals Delivered)	2,238,296
Assistance Payments	
Dollar Amount of Assistance	1,548,149
Food Assistance	
Average Monthly Households	204,068
Dollar Value of Food Stamps Issued	620,709,665
Tanf Work Program	
TANF/Medicaid Households per Month	11,195
Work Program (Persons Served)	2,950
TANF Participation Rate (%)	50.00
Persons Employed	1,221

A reporting of the degree to which the performance targets set above have been or are being achieved shall be provided in the agency's budget request submitted to the Joint Legislative Budget Committee for Fiscal Year 2012.

**SECTION 16.** In accordance with Section 43-15-17(3), Mississippi Code of 1972, of the funds provided in Sections 1 and 2, an amount not to exceed Six Million Two Hundred Fifty Thousand Three Hundred Forty-three Dollars (\$6,250,343.00) is provided for Kinship Care payments. This is necessary by law to allow "kinship

payments" which was funded as part of the Olivia Y. lawsuit settlement in the Foster Care Program.

**SECTION 17.** It is the intent of the Legislature that the Department of Human Services, Division of Child Support Enforcement, make a concentrated effort to increase collections of past due Child Support payments. On or before January 1, 2011, the Executive Director of the Department of Human Services shall submit a report to the Legislative Budget Office detailing year-to-date performance measures in the Child Support Enforcement Program compared with the prior year.

**SECTION 18.** It is the intention of the Legislature that the Department of Human Services shall have the authority to spend such additional funds as it shall receive from the federal government in incentives or the federal match on those incentives for the purpose of child support enforcement.

**SECTION 19.** Of the funds appropriated in Section 1, Two Hundred Fifty Thousand Dollars (\$250,000.00) shall be transferred to the Juvenile Facility Monitoring Unit at the Department of Public Safety no later than July 31, 2010.

**SECTION 20.** It is the intention of the Legislature that the agency shall compile cell phone usage records of any cellular phone (wireless communication device) that is assigned, issued or made available to any officer or employee in accordance with Section 25-53-191, Mississippi Code of 1972, and these records shall be made publicly available at the expense of the agency.

**SECTION 21.** It is legislative intent to ensure beneficial information reaches as many Mississippians as possible. Further, it is legislative intent that the expenditure of public funds for this purpose be accomplished in an efficient and effective manner.

Therefore, state agencies as standard procedure will observe the following criteria:

- (a) Develop goals and desired result for a campaign.

(b) Evaluate effectiveness through respected advertising standards, including market reach and cost effectiveness.

(c) Seek public service announcements, which would be aired by media without cost.

(d) Itemize and justify professional assistance and related expenses for creative and production costs outside of the actual media expenditures.

(e) Utilize Mississippi-owned media companies when feasible.

**SECTION 22.** It is the intention of the Legislature that this agency shall have the authority to receive, budget and expend funds from any source that may become available to them as a result of the passage of the American Recovery and Reinvestment Act of 2009 in accordance with the rules and regulations of the Department of Finance and Administration in a manner consistent with the escalation of federal funds.

The Executive Director of the Department of Finance and Administration shall have the authority to approve escalations of funds and employee positions using funds from any source available due to the passage of the American Recovery and Reinvestment Act of 2009.

The Executive Director of the Department of Finance and Administration shall immediately send notice of the approval of such budget escalation to the House of Representatives Appropriations Committee, the Senate Appropriations Committee and the Legislative Budget Office. Within fifteen (15) days of such approval, the Executive Director of the Department of Finance and Administration shall ensure that the Legislative Budget Office receives detailed and accurate information about the amount and use of federal and special source funds by state agencies as a result of the passage of the American Recovery and Reinvestment Act of 2009.



**SECTION 23.** No former employee who is receiving State of Mississippi retirement benefits shall be hired under contract for an amount exceeding Twenty Thousand Dollars (\$20,000.00) a year without prior approval by an agency's proper governing board or authority. Upon approval of such contracts, a written report shall be submitted detailing the cost and need of such contract services to the Chairmen and members of the Senate and House Appropriations Committees.

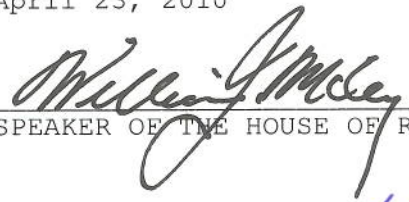
**SECTION 24.** Of the funds appropriated herein, an additional One Million Dollars (\$1,000,000.00) of Special Funds to be transferred from the Division of Medicaid, are provided to fund the Home Delivered Meals Program in the Aging and Adult Services Division.

**SECTION 25.** In addition to all other sums appropriated herein, One Million Dollars (\$1,000,000.00) of any funds to the credit of the Department of Human Services shall be provided to the Boys and Girls Clubs.

**SECTION 26.** The money herein appropriated shall be paid by the State Treasurer out of any money in the State Treasury to the credit of the proper fund or funds as set forth in this act, upon warrants issued by the State Fiscal Officer; and the State Fiscal Officer shall issue his warrants upon requisitions signed by the proper person, officer or officers, in the manner provided by law.

**SECTION 27.** This act shall take effect and be in force from and after July 1, 2010.

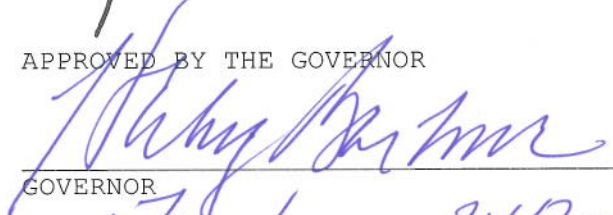
PASSED BY THE HOUSE OF REPRESENTATIVES  
April 23, 2010

  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

PASSED BY THE SENATE  
April 23, 2010

  
PRESIDENT OF THE SENATE

APPROVED BY THE GOVERNOR

  
GOVERNOR